

REMARKS/ARGUMENT

Rejections under 35 U.S.C. §102 and §103

Claims 18-23, 26-28, 30 and 32-37 were rejected under 35 U.S.C. §102(b) as being anticipated by McNicholas (U.S. Patent Publication 2003/0195522). Claims 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over McNicholas. Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over McNicholas in view of Ott (U.S. Patent 6,447,520). Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over McNicholas in view of Tourrette (U.S. Patent Publication 2005/0125000). For the following reasons, Applicants respectfully request reconsideration and withdrawal of the rejections.

All of the above §102 and §103 rejections are predicated on the proposition that McNicholas discloses all limitations of independent claim 18. However, as set forth below, McNicholas does not disclose several limitations of claim 18. For example, claim 18 recites a device that includes “an elastic base.” McNicholas does not disclose an elastic base. Indeed, McNicholas does not disclose that any part of the load chamber 12 is elastic.

For another example, claim 18 recites that the “elastic base ... is deformable from a relaxed, open position into a stressed, closed position.” McNicholas does not disclose this feature. In McNicholas, the “load chamber 12 includes a first member 16 and a second member 18 which are secured or joined together and are hingeably moveable relative to each other along line 21” (McNicholas, paragraph [0025]). In other words, the closing of McNicholas’s load chamber is accomplished NOT by the deformation of the load chamber’s base but by means of a hinge that connects the first and second members, and during the closing of the load chamber no part of the load chamber is deformed.

Therefore, since McNicholas does not disclose at least the above-discussed features of the claimed invention (and the Office has not contended that the other cited references disclose those features), the pending claims are patentable over the cited references.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of

Application No. 10/590,972
Amendment dated February 10, 2009
Reply to Office action of December 10, 2008

Time sufficient to effect a timely response, and please charge any deficiency in fees or credit
any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

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